

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 671

Introduced by Assembly Member Beall

February 21, 2007

An act to amend Section 18937 of, and to add Article 4.2 (commencing with Section 18985) to Chapter 4 of Part 2 of Division 5 of Title 2 of, the Government Code, and to add Section 10609.45 to the Welfare and Institutions Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 671, as amended, Beall. State employment: preferences: foster youth.

The State Civil Service Act provides for filling certain state positions through the process of examinations and the establishment of eligible lists and promotional lists. Existing law requires that veterans be awarded preference points, as specified, for civil service employment.

This bill would make legislative findings and declarations regarding the state's responsibility for the well-being of foster youth and former foster youth. The bill would require that, in addition to any other state employment preference, qualified foster youth or former foster youth, as defined, who become eligible for certification from eligible lists by attaining the passing mark established for an entrance examination be awarded an additional credit of 10 points for certain examinations, or 5 points for an examination held on an open, nonpromotional basis under a specified provision of law, except as provided. The bill would require the State Department of Social Services to provide certification, as applicable, to a qualified foster youth or former foster youth for the purposes of these provisions. *It would require the State Personnel Board*

to establish an Emancipated Foster Youth Program to promote the hiring of qualified foster youth in specified entry level unclassified positions in any state agency or department as determined by the board. The bill would require a participant in the program to pass a written examination for the classification in which he or she is employed, if generally required for applicants in that classification, after 3 months, but before 9 months, of employment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The state has a unique obligation to children and youth in
4 the foster care system. When the state removes children and youth
5 from their parents, it is responsible for providing for the safety and
6 well-being of the children and youth and for preparing them for
7 self-sufficient adulthood.

8 (b) Foster youth who leave the foster care system because of
9 age face unique challenges in seeking and obtaining employment
10 upon leaving the system. The foster care program provides little
11 assistance to youth in finding employment.

12 (c) The unemployment rate for youth who have left the foster
13 care system because of age is estimated at 50 percent.

14 (d) The State of California is a major employer within the state,
15 yet state law makes no provision for assisting youth who have left
16 the foster care system because of age in becoming civil service
17 employees of the state.

18 (e) The state owes a unique responsibility to foster youth in
19 assisting them to secure permanent employment. It also has an
20 obligation to demonstrate to private employers, by example, the
21 importance of hiring foster youth and former foster youth.

22 (f) It is the intent of the Legislature to recognize the state's role
23 as a parent to children and youth in foster care and to assist them
24 in securing permanent employment in state government by
25 providing them a state civil service preference.

26 SEC. 2. Section 18937 of the Government Code is amended
27 to read:

18937. The passing mark for an examination may be other than the true percentage or average published as a part of the announcement of the examination, if deemed by the board or a designated appointing power to be justified in order to provide an adequate eligible list or to adjust for the apparent difficulty of an examination. In establishing any eligible list or promotional list following an examination, the names of the persons who have attained the passing mark in ~~such~~ *that* examination shall be placed on the list in the order of final earned ratings, except as ~~such~~ *that* order may be modified by the application of preferences for veterans, as provided in Article 4 (commencing with Section 18971), or for qualified foster youth or former foster youth, as provided in Article 4.2 (commencing with Section 18985). When the order of names has been determined after applying the appropriate preference credits, the board may thereafter limit to suit the needs of the service the number of names to be placed on the employment list.

SEC. 3. Article 4.2 (commencing with Section 18985) is added to Chapter 4 of Part 2 of Division 5 of Title 2 of the Government Code, to read:

Article 4.2. Preference for Foster Youth

18985. (a) Except as provided in Section 18985.4, for all entrance examinations, and in addition to any other state employment preference provided by this part, qualified foster youth or former foster youth who become eligible for certification from eligible lists by attaining the passing mark established for the examination shall be awarded an additional credit of 10 points.

(b) The credit required pursuant to subdivision (a) shall be added to the percentage attained in the examination by the qualified foster youth or former foster youth. The name of each shall be placed on the eligible list and he or she shall be eligible for appointment in the order and on the basis of the percentage attained in examination after the appropriate credit has been added. All ties shall be decided in favor of qualified foster youth and former foster youth.

(c) For purposes of this section, an entrance examination is any open competitive examination other than one for a class having a requirement of both college graduation and two or more years of experience.

(d) For purposes of this section, the credit specified in subdivision (a) shall be awarded in all qualifying examinations in which the qualified foster youth or former foster youth competes. No credits shall be awarded under subdivision (a) once a qualified foster youth or former foster youth achieves permanent civil service status.

18985.2. Any person who successfully passes any state civil service examination, whose name as a result is placed on an employment list, and who, within six months after the establishment of the employment list for which the examination was given, qualifies for the preference described in subdivision (a) of Section 18985 shall be allowed the appropriate credit to the same effect as if he or she were entitled to that credit at the time of the establishing of the employment list. The name of any person who qualifies for that credit under this section shall be placed on the employment list in accordance with Section 18937 as the employment list stands at the time of qualifying for the credit.

18985.4. (a) For any entrance examination held on an open, nonpromotional basis under Section 18950, and in addition to any other applicable state employment preference provided by this part, a qualified foster youth or former foster youth who becomes eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be awarded an additional credit of 5 points.

(b) Individuals who receive qualified foster youth or former foster youth points under this section are not eligible for career credits pursuant to Sections 18950.1, 18951, and 18951.5.

18985.6. Request for, and proof of, eligibility for credits pursuant to this article shall be submitted by the qualified foster youth or former foster youth to the department conducting the employment examination. The procedures and time of filing the request shall be subject to rules adopted by the State Personnel Board, in consultation with the State Department of Social Services.

18985.8. For the purposes of this ~~section~~ *article*, “qualified foster youth or former foster youth” means an individual who is 25 years of age or younger and who is certified by the State Department of Social Services as having been, for at least one year at any time on or after the date that the person turns 15 years of age, either a recipient of foster care maintenance payments under

1 a state plan approved under Part E of Title IV of the federal Social
2 Security Act (42 U.S.C. Sec. 670 et seq.), or in a foster care
3 program under the responsibility of the State of California.

4 18985.9. (a) *The State Personnel Board, in consultation with*
5 *the State Department of Social Services, shall establish an*
6 *Emancipated Foster Youth Program to provide state employment*
7 *opportunities for qualified foster youth or former foster youth. The*
8 *program shall promote the hiring of qualified foster youth in*
9 *specified entry level unclassified positions in any state agency or*
10 *department as determined by the board.*

11 (b) *A participant in the Emancipated Foster Youth Program*
12 *shall not apply for a classification unless he or she meets the*
13 *minimum qualifications for that classification.*

14 (c) *After a participant in the Emancipated Foster Youth Program*
15 *has been employed in an unclassified position for three months,*
16 *but before being employed for nine months, he or she shall take a*
17 *written examination for the classification in which he or she is*
18 *employed, if a written examination is generally required for other*
19 *applicants in that classification. The participant shall be eligible*
20 *to take the written examination only after receiving a positive*
21 *recommendation from the appropriate supervisor.*

22 (d) *A participant in the Emancipated Foster Youth Program*
23 *who does not pass the written examination for the classification*
24 *in which he or she is employed, or who does not receive a favorable*
25 *promotional rating, shall be released from employment.*

26 SEC. 4. Section 10609.45 is added to the Welfare and
27 Institutions Code, to read:

28 10609.45. The department shall provide any foster youth or
29 former foster youth who is 25 years of age or younger, upon
30 request, with the certification, if appropriate, necessary to claim
31 the civil service hiring preference points required pursuant to
32 Article 4.2 (commencing with Section 18985) of Chapter 4 of Part
33 2 of Division 5 of Title 2 of the Government Code. The department
34 shall ensure that all youth who are leaving foster care and who are
35 eligible to claim those civil service hiring preference points are
36 given notice of that eligibility.